United Nations CEDAW/C/IRL/CO/6-7

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined sixth and seventh periodic reports of Ireland*

1. The Committee considered the combined sixth and seventh periodic reports of Ireland (CEDAW/C/IRL/6-7) at its 1474th and 1475th meetings (see CEDAW/C/SR.1474 and 1475), held on 15 February 2017.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined sixth and seventh periodic reports, which was prepared in response to the list of issues and questions prior to reporting (CEDAW/C/IRL/QPR/6-7). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Permanent Representative of Ireland to the United Nations Office and other international organizations in Geneva, Patricia O'Brien, and included representatives of the Department of Justice and Equality, the Office of the Attorney General, the Department of Foreign Affairs and Trade, the Department of Health, the Department of Education and Skills, the Department of Social Protection, the Department of Children and Youth Affairs and the Permanent Mission of Ireland to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2005 of the State party's combined fourth and fifth periodic reports (CEDAW/C/IRL/4-5) in undertaking legislative reforms, in particular the adoption of the following legislation:

(a) The Paternity Leave and Benefit Act, in 2016, which introduced paid statutory leave for new fathers;

* Adopted by the Committee at its sixty-sixth session (13 February-3 March 2017).

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(b) The Gender Recognition Act, in 2015, which provides that, from 16 years of age, the preferred gender of a person will be fully recognized by the State party for all purposes;

(c) The Children and Family Relationships Act, in 2015, which protects the rights of children of diverse families, including girls, in relation to guardianship and custody;

(d) The Criminal Justice (Female Genital Mutilation) Act, in 2012.

5. The Committee welcomes the State party's efforts in improving its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The second National Action Plan on Women, Peace and Security (2015-2018);

(b) The National Sexual Health Strategy (2015-2020), in 2015.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional treaties:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2014;

(b) The Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization, in 2014;

(c) The United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime, in 2010.

C. Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Parliament (Houses of the *Oireachtas*), in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

D. Principal areas of concern and recommendations

Reservations

8. The Committee recalls its previous observation (A/60/38, part two, para. 398) and notes with concern that the State party maintains reservations under articles 11 (1), 13 (a) and 16.1 (d) and (f) notwithstanding its commitment to constantly review them. The Committee notes the State party's explanation that some of the

reservations are intended to maintain provisions in domestic legislation that are more favourable to women than men.

9. **The Committee recalls its previous recommendation (A/60/38, part two, para. 399) and recommends that the State party review its reservations within the context of article 23 of the Convention and the Vienna Convention on the Law of Treaties, with the aim of withdrawing them as soon as possible.**

Constitutional and legislative framework

10. The Committee recalls its previous observation (A/60/38, part two, para. 382) and regrets that the existing discriminatory provision contained in article 41.2 of the Constitution, which perpetuates traditional stereotypical views of the social roles and responsibilities of women and men in the family and in society at large, has not been amended. The Committee is also concerned that:

(a) The interpretation of article 40.1 of the Constitution is focused on procedural rather than substantive equality; and

(b) Article 40.3.3 of the Constitution (also known as the Eighth Amendment), which protects the right to life of the unborn and therefore unduly restricts access to abortion, has not been amended.

11. **The Committee urges the State party to, within a specific time frame:**

(a) **Amend article 41.2 of the Constitution in order to remove the stereotypical language on the role of women in the home;**

(b) **Introduce legislative provisions that underline the obligation of the State to pursue actively the achievement of substantive equality between women and men;**

(c) **Amend article 40.3.3 of the Constitution (also known as the Eighth Amendment), which impedes the introduction of amendments to current legislation governing access to abortion.**

12. The Committee is concerned that section 14 of the Equal Status Acts 2000-2015 precludes the use of the equality framework to challenge discriminatory laws. The Committee is particularly concerned that legislation which discriminates against women, or has a disproportionately negative impact on women, falls outside the scope of the Equal Status Acts 2000-2015.

13. **The Committee recommends that the State party amend section 14 of the Equal Status Acts 2000-2015 to ensure that an effective remedy is available for discrimination that has a legislative basis.**

Access to justice

14. The Committee notes the numerous recommendations on the unresolved issue of historical abuses of women and girls by other United Nations human rights mechanisms such as the Human Rights Committee (CCPR/C/IRL/CO/4), the Committee Against Torture (CAT/C/IRL/CO/1) and the Committee on Economic, Social and Cultural Rights (E/C.12/IRL/CO/3). While noting the efforts by the State party to resolve the issue of historical abuses regarding the Magdalen Laundries, Mother and Baby Homes and the medical procedure of symphysiotomy, the

Committee regrets that the State party has not implemented the aforementioned recommendations. The Committee regrets:

(a) That, notwithstanding the establishment of a non-statutory Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries and the adoption of the Redress for Women Resident in Certain Institutions Act of 2015, the State party has failed to establish an independent, thorough and effective investigation, in line with international standards, into all allegations of abuse, ill-treatment or neglect of women and children in the Magdalen Laundries in order to establish the role of the State and the church in the perpetration of the alleged violations;

(b) That, notwithstanding the publication of the Walsh and Murphy reports and the establishment of an ex gratia scheme in 2014, no effort has been made to establish an independent investigation to identify, prosecute and punish the perpetrators who performed the medical procedure of symphysiotomy without the consent of women;

(c) That the scope of the terms of reference for the Commission of Investigation into Mother and Baby Homes and Certain Related Matters is narrow such that it does not cover all homes and analogous institutions, and therefore may not address the whole spectrum of abuses perpetrated against women and girls.

15. **The Committee observes that the historical abuses in relation to the Madgalen Laundries, the Mother and Baby Homes and the medical practice of symphysiotomy give rise to serious violations that have a continuing effect on the rights of victims/survivors of those violations. The Committee, therefore, urges the State party:**

(a) **To conduct prompt, independent and thorough investigations, in line with international human rights standards, into all allegations of abuse in Magdalen Laundries, children's institutions and Mother and Baby Homes, and allegations of symphysiotomy in order to prosecute and punish the perpetrators of those involved in violations of women's rights, and ensure that all victims/survivors of such abuse obtain an effective remedy, including appropriate compensation, official apologies, restitution, satisfaction and rehabilitative services;**

(b) **To provide information in its next periodic report on the extent of the measures taken to ensure the rights of victims/survivors to truth, justice and reparations.**

National human rights institution

16. The Committee welcomes the adoption of the Irish Human Rights and Equality Commission Act in July 2014, which led to the amalgamation of the Equality Authority and the Human Rights Commission. It also welcomes the introduction of provisions relating to public sector duty in section 42 of the Act. The Committee notes the efforts by the State party to ensure that the Irish Human Rights and Equality Commission complies with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and the impact of austerity measures on the State party. However, the Committee is concerned that the Commission is not fully resourced to effectively

undertake its expanded mandate, particularly with regard to women's rights and gender equality.

17. **The Committee recommends that the State party allocate sufficient budgetary and human resources to the Irish Human Rights and Equality Commission in order for it to discharge its functions effectively.**

National machinery for the advancement of women and gender mainstreaming

18. The Committee notes that the Gender Equality Division in the Department of Justice and Equality plays a coordinating role in the implementation of the National Women's Strategy. The Committee notes with concern that a number of institutions that formed part of the national machinery for the advancement of women, such as the Women's Health Council and the National Consultative Committee on Racism and Multiculturalism, have been closed. While the Committee notes the State party's efforts to ensure "gender proofing" and introduce a "gold standard" data collection system, the Committee is concerned at reports of the lack of data disaggregated by sex, gender, ethnicity, disability and age.

19. **The Committee recommends that the State party:**

(a) **Continue to strengthen effective coordination and the provision of adequate resources to the Gender Equality Division, which acts as the national machinery for the advancement of women;**

(b) **Ensure that the recommendations in the present concluding observations and the results of the gender impact assessment of the National Women's Strategy 2007-2016 inform the formulation of indicators, benchmarks and timelines for the National Women's Strategy 2017-2020;**

(c) **Strengthen the implementation of the gender mainstreaming strategy, including "gender proofing" and ensure that the provisions relating to public sector duty are utilized to promote the mainstreaming of gender equality in all areas and sectors;**

(d) **Take measures to collect data which should, inter alia, be disaggregated by sex, gender, ethnicity, disability and age, in order to inform policy and programmes on women and girls, as well as assist in tracking progress in the achievement of the Sustainable Development Goals.**

Impact of austerity measures on non-governmental organizations

20. The Committee is concerned at the negative impact of austerity measures on the institutional funding for women's non-governmental organizations, which has negatively affected efforts towards the advancement of women's rights by non-governmental organizations in the State party.

21. **The Committee urges the State party to take appropriate measures to restore funding for non-governmental organizations working in the field of women's rights so as to enable them to continue to contribute to the implementation of the Convention.**

Temporary special measures

22. The Committee commends the State party for its efforts to accelerate the achievement of substantive equality, such as through the Equality for Women Measure 2008-2013, which made funding available to foster the engagement and advancement of women in a number of sectors focusing on access to employment, developing female entrepreneurship and fostering women's participation as decision makers. The Committee also commends the State party for the 2012 amendment to the Electoral Act of 1997 (see para. 34 (b) below), which sets out sanctions for political parties that do not meet the requirement of at least 30 per cent women and 30 per cent men as candidates for elections. However, the Committee is concerned that temporary special measures under the Electoral Act do not extend to local government elections and there are no measures in other areas such as in higher education.

23. **The Committee recommends that the State party increase the use of temporary special measures, including statutory quotas, in all areas covered by the Convention in which women are underrepresented, such as in local government elections, decision-making positions in public administration, private companies and academia. The Committee recommends that such measures should include specific targets and time frames, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to ensure the achievement of substantive equality of women and men in all areas of the Convention where women are disadvantaged or underrepresented.**

Stereotypes and harmful practices

24. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes and harmful practices such as female genital mutilation following the adoption of the Criminal Justice (Female Genital Mutilation) Act in April 2012. The Committee is, however, concerned that:

(a) Discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society persist in the State party;

(b) Medically irreversible and unnecessary sex assignment surgery and other treatments are reportedly performed on intersex children.

25. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy to eliminate discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, which should include a monitoring mechanism to assess the impact of the measures taken and design remedial action;**

(b) **Develop and implement an appropriate rights-based health-care protocol for intersex children, which ensures that children and their parents are properly informed of all options and that children are, to the greatest extent possible, involved in decision-making about medical interventions and that their choices are fully respected.**

Gender-based violence against women

26. The Committee commends the State party on its efforts to address gender-based violence against women, such as the development of the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021 and the establishment of Tusla (the Child and Family Agency), which has a mandate to coordinate services for victims of domestic and sexual violence. The Committee notes that the State party is taking steps to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). However, the Committee remains concerned at:

(a) The lack of gender-disaggregated data on gender-based violence against women, including domestic violence;

(b) The fact that domestic violence is not criminalized and there is no specific definition of domestic violence in the State party's legislation; and at the failure to address psychological, emotional and economic violence;

(c) The lack of legal protection against emerging forms of gender-based violence, such as online stalking and harassment;

(d) Information that non-governmental organizations that provide assistance to victims of gender-based violence against women, including domestic violence, face budgetary cuts.

27. **In line with its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party:**

(a) **Ensure that the National Office for the Prevention of Domestic, Sexual and Gender-based Violence and relevant institutions implement the "gold standard" so that data on all forms of gender-based violence against women, including domestic violence, are systematically collected and analysed and that they are disaggregated by, inter alia, age, ethnicity and relationship with the perpetrator;**

(b) **Intensify existing efforts to combat gender-based violence against women, including domestic violence, by ensuring that prosecutors and the police are properly trained to identify, investigate and prosecute cases of gender-based violence, including domestic violence, particularly targeting Traveller, Roma and migrant women and girls;**

(c) **Criminalize domestic violence and introduce a specific definition of domestic violence and other emerging forms of gender-based violence, such as online stalking and harassment;**

(d) **Provide adequate financial resources to non-governmental organizations that provide services to victims of gender-based violence, including domestic violence;**

(e) **Expedite the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).**

28. The Committee is concerned at barriers facing victims of domestic violence in accessing civil legal aid services owing to, inter alia, long waiting lists, restrictive

financial eligibility criteria and the requirement to pay financial contributions where safety, protection or barring orders are sought, consequently denying low-income women access to justice.

29. **The Committee recommends that the State party increase funding for civil legal aid services, review the financial eligibility criteria and end the requirement for victims of domestic violence to make financial contributions for civil legal aid when seeking court protection under domestic violence legislation so as to ensure access to justice for all women without sufficient means.**

Trafficking and exploitation of prostitution

30. The Committee welcomes the State party's efforts to combat trafficking in persons, including the adoption of the Criminal Law (Human Trafficking) Act in 2008, which created specific offences that criminalized trafficking in persons for purposes of sexual or labour exploitation. However, the Committee is concerned that the State party remains a source and destination country for the trafficking of women and girls for purposes of sexual and/or labour exploitation and criminal activity. It is particularly concerned at:

(a) The low prosecution and conviction rates in cases of trafficking in persons;

(b) The lack of a formal procedure for non-governmental organizations' involvement in the identification of victims of trafficking.

31. **The Committee recommends that the State party:**

(a) **Effectively implement existing legislation on trafficking in persons by ensuring that cases are thoroughly investigated and that the perpetrators are prosecuted and adequately punished;**

(b) **Enhance State collaboration with non-governmental organizations to ensure that victims of trafficking are identified at an early stage, protected and assisted, and continue to provide adequate funding to such organizations.**

32. The Committee notes that the State party has developed the Criminal Law (Sexual Offences) Bill 2015, which criminalizes the purchase of sexual services. The Committee notes that the objective of the law is to reduce the demand for sexual services, which allegedly drives trafficking and the exploitation of women and girls for purposes of prostitution. The Committee also notes that the impact of the Criminal Law (Sexual Offences) Bill 2015 is to be reviewed three years after its implementation. However, the Committee is concerned at the lack of information on the impact of existing laws in addressing the exploitation of prostitution in the State party.

33. **The Committee recommends that the State party:**

(a) **Provide information in its next periodic report, following the scheduled review of the Criminal Law (Sexual Offences) Bill 2015, three years after its entry into force, on its impact in addressing the exploitation of prostitution in the State party;**

(b) **Intensify the implementation of programmes for women who wish to leave prostitution by providing exit programmes, including alternative income-generating opportunities.**

Participation in political and public life

34. The Committee notes that the State party has made commendable advances around women's participation in some sectors, especially in the judiciary, where the representation of women in the Supreme Court stands at 44 per cent and a woman is the Chief Justice. The Committee also notes that the Office of the Attorney General is held by a woman. The Committee further commends the State party for its efforts to increase the number of women appointed to State boards following the introduction of the State Boards Alerts system. However, the Committee is concerned at:

(a) The low number of women in *Dáil Éireann* (lower house of parliament), the High Court, ministerial positions, State boards, and senior academic and foreign service positions;

(b) The fact that the Electoral (Amendment) (Political Funding) Act of 2012 does not extend to local government elections;

(c) The low level of participation of Traveller, Roma and migrant women in political and public life.

35. **The Committee recommends that the State party:**

(a) **Continue to take targeted measures to further increase women's representation in political and public life, particularly in *Dáil Éireann* (lower house of parliament), the High Court, ministerial positions, State Boards, and senior academic and foreign service positions;**

(b) **Introduce temporary special measures, including quotas, which should be used in conjunction with such other policy measures as civic education programmes, mentoring and training programmes, childcare and eldercare, and financial support to women who aspire to decision-making positions, so as to ensure de facto change;**

(c) **Consider extending the Electoral (Amendment) (Political Funding) Act of 2012 to local government elections;**

(d) **Take concrete measures, including temporary special measures, to promote the participation of Traveller, Roma and migrant women in political and public life.**

Women, peace and security

36. The Committee welcomes the adoption of the second National Action Plan on Women, Peace and Security (2015-2018), which addresses domestic and foreign policy, and includes women affected by conflict in the State party. However, the Committee is concerned at the low representation of women in post-conflict reconstruction in the State party.

37. **The Committee urges the State party to continue to give due consideration to the Committee's general recommendation No. 30 (2013) on women in conflict**

prevention, conflict and post-conflict situations by ensuring that the National Action Plan on Women, Peace and Security (2015-2018) is regularly reviewed so as to address all areas of concern in order to ensure durable peace. The Committee further recommends that the State party fully involve women at all stages of the post-conflict reconstruction process, including in decision-making, in line with Security Council resolution 1325 (2000).

Education

38. The Committee welcomes the number of measures taken to further improve women's and girls' access to quality education such as the Better Outcomes, Brighter Futures (2014-2020) framework, which acknowledges the need to pay particular attention to the need to develop girls' skills in science, technology, engineering and mathematics. It also welcomes the fact that a number of academic institutions have signed up to the Athena SWAN Charter, which seeks to advance women's careers in science, technology, engineering and mathematics. The Committee further welcomes the introduction of a new short course in social, personal and health education for the junior cycle. Nevertheless, the Committee is concerned at:

(a) Reports of stereotypes and sexism in the field of education, and at the lack of concrete measures to curb this phenomenon;

(b) The gender approach of the apprenticeship training programme, which has the effect of attracting few women and girls;

(c) The narrow approach towards the provision of sexuality education, owing to the fact the content of the relationship and sexuality education curriculum is left to institutions to deliver according to their individual ethos and values and as a result it is often taught together with courses on biology and religion;

(d) The fact that Traveller, Roma and migrant women and girls have low levels of education.

39. **The Committee recommends that the State party:**

(a) **Strengthen its strategies, including through the use of temporary special measures, to address discriminatory stereotypes and sexism in the field of education that deter women and girls from pursuing a career in education and rising to the higher echelons of academic positions;**

(b) **Ensure that the Review of Apprenticeship Training in Ireland (2014) informs the development of a gender-neutral approach to apprenticeships and that the implementation of Ireland's National Skills Strategy 2025 focuses on increasing the participation of women and girls in apprenticeships;**

(c) **Integrate compulsory and standardized age-appropriate education on sexual and reproductive health and rights into school curricula, including comprehensive sex education for adolescent girls and boys covering responsible sexual behaviours and focused on preventing early pregnancies, and ensure that sex education is scientifically objective and its delivery by schools is closely monitored and evaluated;**

(d) **Take appropriate remedial action to address the low levels of education attainment among Traveller, Roma and migrant women, including through the use of temporary special measures, such as scholarships, and non-stereotypical career counselling consultation on educational plans and processes, and provide information in the next periodic report on the impact of the Education (Admissions to Schools) Bill 2016, particularly of the past-pupil criteria, on access to education by Traveller, Roma and migrant women and girls.**

Employment

40. The Committee welcomes the adoption of the Paternity Leave and Benefit Act 2016 and the European Union (Parental Leave) Regulations 2013. However, the Committee is concerned that women continue to be concentrated in low paid employment, which adversely affects women's career development and pension benefits. The Committee is particularly concerned at:

(a) The persistent gender wage gap, partly because women work part-time owing to family responsibilities;

(b) The limited availability of affordable childcare, notwithstanding the increased funding for childcare services and the introduction of the Early Childhood Care and Education Programme;

(c) Reports of the exploitation of women and girls in the au pair industry by unscrupulous recruitment agents;

(d) The fact that although the Homemakers' Scheme allows up to 20 years out of the workforce to be discounted from pension assessment, the scheme does not apply to the period before April 1994.

41. **The Committee recommends that the State party:**

(a) **Intensify its efforts to guarantee equal opportunities for women in the labour market and create more opportunities for women to gain access to full-time employment;**

(b) **Take concrete measures to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value and intensifying the use of wage surveys;**

(c) **Undertake measures to regularly monitor, investigate and sanction exploitative labour practices, particularly in the au pair industry;**

(d) **Intensify efforts to promote the use of shared parental leave so as to encourage men to participate equally in childcare responsibilities, and ensure childcare services are affordable and readily available in all parts of the State;**

(e) **Consider revising the Homemakers' Scheme in order to broaden access to the contributory State pension by women.**

Health

42. The Committee welcomes the steps taken by the State party to improve health care for women and girls in the State party. The Committee is concerned that access

to abortion in the State party is restricted to cases where there is a real and substantial risk to the life of the pregnant woman under the Protection of Life During Pregnancy Act of 2013, which was enacted following the decision of the European Court of Human Rights in the case of *A, B and C v Ireland*, and that this exception is interpreted in a very restrictive manner. The Committee is also concerned that under the Regulation of Information (Services Outside the State For Termination of Pregnancies) Act of 1995, the provision of information by health-care providers that advocates and promotes the option of abortion is criminal. The Committee is particularly concerned that owing to this restrictive legal regime:

(a) Abortion in all cases other than where there is a real and substantial risk to the life of the pregnant woman is criminal and carries a maximum penalty of 14 years imprisonment;

(b) Women and girls are compelled to travel outside the State party to obtain an abortion in countries where it is legally available on wider grounds;

(c) Women and girls without means to travel outside the State party to obtain an abortion, such as poor women, asylum seekers and migrant women and girls, may be compelled to carry their pregnancies to full term or to undertake unsafe abortion, which may lead to severe mental pain and suffering;

(d) Health-care providers and pregnancy counsellors cannot freely provide information on abortion for fear of being prosecuted for violating the Regulation of Information Act of 1995.

43. **The Committee recommends that the State party:**

(a) **Repeal the Protection of Life During Pregnancy Act 2013 in order to legalize the termination of pregnancy at least in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman, and severe impairment of the foetus, and decriminalize abortion in all other cases;**

(b) **Intensify the implementation of health programmes, including awareness-raising programmes, to ensure the availability, accessibility and use of modern contraceptives, in line with general recommendation No. 24 (1999) on women and health;**

(c) **Repeal the Regulation of Information (Services Outside the State For Termination of Pregnancies) Act of 1995 in order to ensure free access to sexual and reproductive health information and education, and that health-care providers, physicians and pregnancy counsellors do not operate under a constant fear that their services may be subject to criminal investigation and prosecution;**

(d) **Ensure the provision of post-abortion health-care services for women irrespective of whether they have undergone an illegal or legal abortion.**

44. The Committee is concerned at some reports that child delivery is highly medicalized and dependent on the use of artificial methods to accelerate the process such that women are made to deliver babies within 8 hours of hospitalization, owing to a lack of resources in hospitals.

45. **The Committee recommends that the State party ensure that women can have access to maternity and delivery services without time pressure or being**

exposed to artificial methods of accelerating births, and provide information in the next periodic report on the strategic plan aimed at launching a widely supported maternity health-care policy and programme respecting the birth process.

Economic and social benefits

46. The Committee notes the State party's efforts towards economic recovery in order to alleviate the impact of austerity measures on economic and social benefits. However, the Committee is concerned that:

(a) Women, particularly those belonging to disadvantaged groups who were dependent on social budgets, continue to suffer the impact of austerity measures;

(b) The habitual residence condition hinders entitlement to child benefit payments by Roma and migrant women.

47. **The Committee calls on the State party to:**

(a) **Intensify efforts aimed at economic recovery in order to address the impact of austerity measures on social benefits for women, particularly disadvantaged women, which is partly exacerbated by the wider gender pension gap;**

(b) **Assess the impact of the habitual residence condition, which hinders entitlement to child benefit payments, particularly for Roma and migrant women.**

Disadvantaged groups of women

Traveller women

48. The Committee notes with concern that Traveller women and girls continue to register poor outcomes in the fields of health, education, housing and employment as compared to the general population in the State party. The Committee regrets that the Housing (Traveller Accommodation) Act of 1998 has not been revised in order to sanction authorities when they fail to take measures to provide accommodation for Travellers.

49. **The Committee recommends that the State party take concrete measures to improve health, education, housing and employment outcomes for Traveller women and girls, including by ensuring that a new national Traveller and Roma inclusion strategy has clear indicators and benchmarks and that its implementation is monitored and regularly evaluated. The State party should also consider revising the Housing (Traveller Accommodation) Act of 1998 in order to sanction authorities when they fail to take measures to provide accommodation for Travellers.**

50. The Committee is concerned that the Traveller community is yet to be recognized as an ethnic group, which affects efforts in addressing intersecting forms of discrimination that Traveller women and girls face in the State party.

51. **The Committee recommends that the State party, without delay, recognize the Traveller community as an ethnic group and ensure that appropriate**

measures are taken to address intersecting forms of discrimination that Traveller women and girls face in the State party.

Women in detention

52. The Committee notes the State party's efforts to improve the situation of women in places of deprivation of liberty, such as the modernization and expansion of facilities in Limerick prison for women and the adoption of the Fines (Payment and Recovery) Act in 2014. The Committee also notes that the report on the Strategic Review of Penal Policy made a number of specific recommendations to improve standards of accommodation for women in detention. However, it remains concerned that:

(a) Women in detention are subjected to overcrowding;

(b) Traveller women are overrepresented in the prison population of the State party.

53. **In line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the Committee recommends that the State party:**

(a) **Improve women's conditions in all places of deprivation of liberty by addressing the problem of overcrowding in line with international standards, and ensure that monitoring and oversight mechanisms are in place and that clear procedures for complaints are available;**

(b) **Address the root causes of the overrepresentation of Traveller women in places of deprivation of liberty.**

Rural women

54. The Committee welcomes the adoption of the Rural Development Programme 2014-2020 and notes that a new action plan for rural development, which seeks to advance economic and social progress in rural areas, is being developed. However, the Committee is concerned at the lack of information on specific measures being taken to address the barriers that rural women face in agriculture and land ownership. The Committee is also concerned at reports that rural women face difficulties in accessing social services including access to public transport, childcare, health-care services, employment, education and training.

55. **The Committee recommends the State party to ensure the integration of a gender perspective into the new action plan for rural development currently being developed and to provide information in its next periodic report on the overall situation of rural women, highlighting the impact of the measures taken to improve on rural women's land ownership and participation in agriculture as well as access to social services including public transport, childcare, health-care services, employment, education and training.**

Marriage and family relations

56. The Committee welcomes the adoption of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act in 2010, which prevents one spouse or civil partner from selling, mortgaging, leasing or transferring the family or shared

home without the consent of the other spouse or civil partner. However, the Committee is concerned that:

(a) There are no data on the economic consequences of divorce on women and girls in the light of reports of increasing rates of poverty among single mothers;

(b) There is no statutory maintenance authority and no amounts are prescribed by legislation, which compels women into litigation to seek maintenance orders.

57. **The Committee recommends that the State party:**

(a) **In line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, undertake research on the economic consequences of divorce on both spouses, with specific attention to the differences in spouses' earning potential and human capital, which addresses gender-based economic disparities between spouses resulting from the existing gender segregation of the labour market, the gender wage gap and women's disproportionate share of unpaid work, particularly focusing on whether judges take such factors into account in their decisions;**

(b) **Consider establishing a statutory maintenance authority and prescribing amounts for child maintenance in order to reduce the burden on women of having to litigate to seek child maintenance orders.**

Beijing Declaration and Platform for Action

58. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

59. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

60. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.**

Ratification of other treaties

61. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.**

Follow-up to the concluding observations

62. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (a), 17, 21 and 43 (a) above.**

Preparation of the next report

63. **The Committee invites the State party to submit its eighth periodic report in February 2021. In case of delay, the report should cover the entire period up to the time of its submission.**

64. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**

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[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.